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In re Application of MILLER et al	:	
U.S. Application No.: 09/623,568	:	
PCT Application No.: PCT/US99/04996	:	DECISION
Int. Filing Date: 05 March 1999	:	
Priority Date Claimed: 05 March 1998	:	
Attorney Docket No.: 98-1895	:	
For: HUMAN HOMOLOG OF A NUCLEAR	:	
MIGRATION AND ITS USE	:	

This is in response to applicant's "Petition for Withdrawal of Abandonment" filed 13 June 2005, which is being treated under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 05 March 1999, applicant filed international application PCT/US99/04996, which claimed priority of an earlier United States application filed 05 March 1998. A Demand for international preliminary examination, in which the United States was elected, was filed on 28 September 1999, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired on 05 September 2000.

On 31 August 2000, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 11 July 2001, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) and a Notification to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures (Form PCT/DO/EO/920).

On 13 November 2001, applicant filed a sequence listing in both paper and computer readable form.

On 25 August 2003, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909), which indicated that the application is abandoned for failure to timely respond to the Notification of Missing Requirements.

On 13 July 2005, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

A review of the application file reveals that the sequence listing filed on 13 November 2001 is present.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is GRANTED.

The Notification of Abandonment (Form PCT/DO/EO/909) mailed 25 August 2003 is hereby VACATED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Defective Response (Form PCT/DO/EO/916), which should include the results of any sequence listing error report.



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